IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION NO.193 OF 2004

The State of Maharashtra ...Applicant

Vs.

Preetam Tarachand Phade & Ors. ...Respondents

Shri. K.V. Saste A.P.P.for the Applicant.

CORAM : A. S. OKA, J.
DATED : JULY 01, 2005.

P.C.:

1. The challenge by the State is to the order dated 16th December, 2003 passed by the learned Sessions Judge. By the impugned order the learned Sessions Judge has altered the charge framed against the Accused. Initially, the charge was framed against all the Accused for offences punishable under sections 302, 324 and 323 read with section 34 of the Indian Penal Code.

2. After hearing both the sides, the learned Sessions Judge came to the conclusion that framing of charge against both the Accused with the aid of Section 34 of the Indian Penal Code cannot be justified.

3. After having heard the learned A.P.P. and after having perused the order impugned, I find no infirmity

in the order.

4. It must be stated here that as of today out of total 30 prosuection witnesses, 27 witnesses have been already examined. There is no merit in the Revision Application and the same is rejected.

JUDGE